

REMARKS

The applicant respectfully requests reconsideration and withdrawal of the Election/Restriction Requirement presented in the 12 November 2008 Office Action.

On behalf of the applicant, applicant's attorney thanks the Examiner for his time and advice during the telephone call of 26 November 2008. With this submission, the applicant is following the Examiner's advice and providing a response to the Election/Restriction Requirement. Even though the applicant is not making an election or identifying any claims related to a possible election, this submission will be considered as fully responsive to the 12 November 2008 Office Action for the reasons presented below.

As the Examiner and applicant's attorney discussed on 26 November 2008 (and as applicant's attorney stated in her 25 November 2008 voice mail to the Examiner), this application, Application Number 10/576,438 ("the pending application"), is a National Stage Application of International Application No. PCT/US2005/011387 filed 4 April 2005 ("the International Application").

When applicant's attorney filed the pending application on 20 April 2006, she submitted additional materials in error. On 23 January 2007, applicant's attorney (under her maiden name, Christine E. Benter) submitted a facsimile to Vonda Wallace of the Office of PCT Operations, clarifying the pending application as a National Stage Application. A copy of this facsimile, including the Transmission Report showing two pages as received, is included with this submission.

As the Election/Restriction Requirement in the pending application is based on the additional materials submitted in error on 20 April 2006, the applicant respectfully requests that the Examiner reconsider and withdraw the Requirement and issue an office action formally communicating such reconsideration and

withdrawal. Examination of the pending application may then proceed based on the specification (including the twenty-seven (27) claims) and drawings of the International Application.

Additionally, the applicant appreciates any assistance that the Examiner may provide in having the errant additional materials removed from the Image File Wrapper for the pending application.

If a telephone conference would expedite review and allowance of claims 1-27 of the pending application or if the Examiner has any questions, the Examiner may contact the applicant via applicant's attorney at (920) 303-7970.

Respectfully submitted,

Date: 1 December 2008

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